



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s) Tetsunosuke Fujisaki
Docket No.: YO999-527
Serial No.: 09/710,999
Filing Date: November 9, 2000
Group: 3624
Examiner: Narayanswamy Subramanian

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, VA 22313-1450

Signature: *Kevin M. Mason* Date: December 7, 2005

Title: Method and Apparatus for Network Marketing of Financial Securities

TRANSMITTAL OF REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

(1) Reply Brief.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation Deposit Account No. 50-0510** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Kevin M. Mason

Dated: December 7, 2005

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REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby replies to the Examiner's Answer, mailed October 12, 2005 (referred to hereinafter as "the Examiner's Answer"), in an Appeal of the final rejection of claims 1-5, 17-21, and 32 in the above-identified patent application.

REAL PARTY IN INTEREST

A statement identifying the real party in interest is contained in Appellant's Appeal Brief.

RELATED APPEALS AND INTERFERENCES

A statement identifying related appeals is contained in Appellant's Appeal Brief.

STATUS OF CLAIMS

A statement identifying the status of the claims is contained in Appellant's Appeal Brief.

STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Appellant's Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

A Summary of the Invention is contained in Appellant's Appeal Brief.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A statement identifying the issues presented for review is contained in Appellant's Appeal Brief.

CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Appellant's Appeal Brief.

ARGUMENT

In the Response to Arguments section of the Examiner's Answer, the Examiner asserts that all the steps of the claim can be interpreted to be performed manually without the use of a computer or processor and lack technological art in the body of the claims. Appellant notes that the practical application of the invention requires the speed of a computer or processor to be effective, as would be apparent to a person of ordinary skill in the art and, thus, one or more of the steps cited in the claims are steps in the technological art.

The Examiner also asserts that "the market for illiquid financial securities is *no different* from the market for used and collectible goods" (emphasis added) and asserts that "Appellants also agree with this interpretation by concurring 'Applicants note that secondary market for used and collectible goods are similar, *in some respects*, to

very illiquid securities.” (Emphasis added.) Contrary to the Examiner’s assertion, being similar “in *some respects*” is not the same as having “*no difference*” and, thus, Appellant’s statement does not establish concurrence. In addition, while the Examiner notes that “financial markets are given the broadest permissible interpretation to include both liquid and illiquid financial securities,” Appellants emphasize, once again, that a practical system must be capable of handling *both liquid and illiquid* financial securities. Thus, the system disclosed by the cited prior art is not practical for the financial securities market.

In response to the Examiner’s assertion that, “although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims,” Appellant notes that the limitation argued by the Appellant exists in the claims; Appellant’s citation from the specification was presented only to establish the definition of a term recited in the claims and, more specifically, recited in the limitation under consideration.

The Examiner further asserts (page 8, first paragraph), that the identification of the bids in Woolston has to take place before the displacement of the bids take place. As Appellant has argued, however, Woolston does not identify bids that are in *proximity to said received bid*.

In response to the Examiner’s arguments that Silverman was not relied upon to teach the feature of “establishing a plurality of market segments in a secondary market,” and that “one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references,” Appellant notes that the argument was presented in the Appeal Brief not to attack the references individually, but to simply note that *none of the cited references disclosed a limitation recited in the claims*.

Conclusion

The rejections of the cited claims under section 103 in view of Woolston and Silverman et al., alone or in combination, are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,



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Date: December 7, 2005

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.